

KEWEENAW BAY INDIAN COMMUNITY

2013 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
ELIZABETH D. MAYO, Vice-President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
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Baraga, Michigan 49908
Phone (906) 353-6623
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ROBERT R.D. CURTIS, JR.
FRED DAKOTA
JEAN JOKINEN
MICHAEL F. LAFERNIER, SR.
CAROLE L. LAPOINTE
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – NOVEMBER 14, 2013 – 9:00 A.M.**

APPROVED
3-12-15

- A. Date: November 14, 2013
- A. Call to Order: President Swartz called the meeting to order at 9:10 a.m.
- B. Invocation: Lord's Prayer
- C. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President
Toni J. Minton, Assistant Secretary
Jennifer Misegan, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe
Elizabeth "Chiz" Matthews
Don Messer, Jr.
- Absent: Susan J. LaFernier, Secretary
- D. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- E. Approval of Agenda: November 14, 2013
- Additions: FYI- 2. President Swartz – Aanikoosing Inc. Site Plan Approved
Closed Session- 1. Larry Denomie III, CEO – Casino Issues Update (2)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

F. For Your Information:

1. Secretarial Election Results (October 22, 2013) Response from the Department of the Interior – The Amendment was not adopted by the qualified voters. More than 30% of those entitled to vote cast their ballot as required by Article VIII of the Constitution. The election record shows that 337 of the adult members registered to vote and 178 votes were cast. There were 47 votes for and 131 votes against the proposed amendment.
2. President Swartz – Aanikoosing Inc. Site Plan for Gas Station Approved by the Marquette Township Board Unanimously

G. Approval of Meeting Minutes:

1. November 1, 2012

MOTION MADE BY FRED DAKOTA TO APPROVE THE NOVEMBER 1, 2012 MEETING MINUTES WITH THE TYPO CORRECTION. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

2. November 8, 2012

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE NOVEMBER 8, 2012 MEETING MINUTES WITH THE INSERTION OF ALL THE PRIMARY CANDIDATES RESULTS. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Carole L. LaPointe, Don Messer, Jr.), ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

3. November 10, 2012

MOTION MADE BY FRED DAKOTA TO APPROVE THE NOVEMBER 10, 2012 MEETING MINUTES. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

4. November 15, 2012

MOTION MADE BY TONI J. MINTON TO APPROVE THE NOVEMBER 15, 2012 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Michael F. LaFernier, Sr., Don Messer, Jr.), ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

5. November 29, 2012

MOTION MADE BY TONI J. MINTON TO APPROVE THE NOVEMBER 29, 2012 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Carole L. LaPointe, Don Messer, Jr.), ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

6. December 1, 2012

MOTION MADE BY TONI J. MINTON TO APPROVE THE DECEMBER 1, 2012 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

7. December 6, 2012

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DECEMBER 6, 2012 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

Break: 9:53 – 10:08 a.m.

H. Old Business:

1. Janice Halverson, CAP Administrator - LIHEAP Program Information

The Council instructed Janice, as in the past, if a Senior/Disabled is eligible for LIHEAP the funds can be used for their electric as the Tribe already pays for their heating.

I. New Business:

1. Bruce LaPointe, Projects Manager – Septic System Installation Bids (2)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BID FROM J.E. HENDRICKSON EXCAVATING, INC. FOR THE INSTALLATION OF A SEPTIC SYSTEM FOR DANIELLE BUTKOVICH IN THE AMOUNT OF \$19,650.00. SUPPORTED BY DON MESSER, JR. TEN IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

2. Jennifer Misegan, Treasurer – Baraga/Marquette 2% Worksheets

a) Resolution KB-1963-2013 Baraga 2%

Fred Dakota gave the Council the background history of the 2% funds. He stated the Tribe won the State Property Tax Case with the help of the Baraga County Community residents and local governments. He reminded the Council that we want to remain friends with them.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1963-2013 BARAGA 2% IN THE AMOUNT OF \$132,779.93. CO-SUPPORTED BY CAROLE L. LAPOINTE AND DON MESSER, JR. NINE IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

b) Resolution KB-1964-2013 Marquette 2%

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1964-2013 MARQUETTE 2% for \$161,261.03. SUPPORTED BY DON MESSER, JR. TEN IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

3. Toni Minton, Assistant Secretary – Schedule Enterprise Employee Grievance Hearing Case #006-13 – The hearing is scheduled for November 21, 2013 at 11:00 a.m.

4. President Swartz – Hiring Committee Selection (1) Seat

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPOINT ROBIN ROE TO THE HIRING COMMITTEE. SUPPORTED BY JEAN JOKINEN. FOUR IN FAVOR (Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), SIX OPPOSED (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Fred Dakota, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION DEFEATED.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPOINT PEGGY LOONSFOOT TO THE HIRING COMMITTEE. (No support)

MOTION MADE BY ELIZABETH D. MAYO TO DRAW A NAME FROM THE FOUR APPLICANTS FROM OUT OF A HAT. SUPPORTED BY CAROLE L. LAPOINTE. SIX IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Don Messer, Jr.), FOUR OPPOSED (Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

Applicants were numbered 1 through 4. (1. Robin Roe, 2. Kim Klopstein, 3. Gary Loonsfoot, Jr., 4. Peggy Loonsfoot) - #4 Peggy Loonsfoot was drawn.

5. Larry Denomie III, CEO – Weekly Update

J. Closed Session:

1. Larry Denomie III, CEO – Casino Issues Update (2)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:32 A.M. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

MOTION MADE BY JEAN JOKINEN TO GO INTO OPEN SESSION AT 11:58 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

Casino Management Disciplinary Action -

MOTION MADE BY JENNIFER MISEGAN TO SUSPEND BOTH GENERAL MANAGERS FOR THREE DAYS WITHOUT PAY. SUPPORTED BY DON MESSER, JR. THREE IN FAVOR (Jennifer Misegan, Robert R.D. Curtis, Jr., Don Messer, Jr.), SEVEN OPPOSED (Elizabeth D. Mayo, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION DEFEATED.

MOTION MADE BY CAROLE L. LAPOINTE TO ISSUE WRITTEN REPRIMANDS FOR BOTH GENERAL MANAGERS. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Robert R.D. Curtis, Jr.), ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

Surveillance Department Management -

MOTION MADE BY JENNIFER MISEGAN TO SEPARATE THE SURVEILLANCE DEPARTMENT FROM THE CASINO MANAGEMENT AND PLACE THEM UNDER THE GAMING COMMISSION AND HAVE THE GAMING COMMISSION COME FORWARD WITH A PLAN, AN EFFECTIVE DATE, AND POLICIES AND PROCEDURES. SUPPORTED BY JEAN JOKINEN. TEN IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO THAT THOSE INVOLVED IN THE ISSUE DISCUSSED BE TREATED THE SAME WITH THE SAME DISCIPLINARY ACTION AS THE OTHER THREE. (No support)

President Swartz stated that based on the severity of the actions some received more discipline than others.

K. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 12:02 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Susan J. LaFernier), MOTION CARRIED.

Respectfully submitted,


Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – NOVEMBER 14, 2013 – 9:00 A.M.

A. Date: November 14, 2013

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- ___ Warren C. Swartz, Jr., President
- ___ Elizabeth D. Mayo, Vice President
- ___ Susan J. LaFerner, Secretary
- ___ Toni J. Minton, Assistant Secretary
- ___ Jennifer Misegan, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Fred Dakota
- ___ Jean Jokinen
- ___ Michael F. LaFerner, Sr.
- ___ Carole L. LaPointe
- ___ Elizabeth "Chiz" Matthews
- ___ Donald Messer, Jr.

E. Declaration of Quorum:

F. Approval of Agenda: November 14, 2013

G. For Your Information:

1. Secretarial Election Results (October 22, 2013) Response from the Department of the Interior

H. Approval of Meeting Minutes:

1. November 1, 2012
2. November 8, 2012
3. November 10, 2012
4. November 15, 2012
5. November 29, 2012
6. December 1, 2012
7. December 6, 2012

I. Old Business:

1. Janice Halverson, CAP Administrator - LIIIEAP Program Information

J. New Business:

1. Bruce LaPointe, Projects Manager – Septic System Installation Bids (2)
2. Jennifer Misegan, Treasurer – Baraga/Marquette 2% Worksheets
 - a) Resolution KB-1963-2013 Baraga 2%
 - b) Resolution KB-1964-2013 Marquette 2%
3. Toni Minton, Assistant Secretary – Schedule Enterprise Employee Grievance Hearing Case #006-13
4. President Swartz – Hiring Committee Selection (1) Seat
5. Larry Denomie III, CEO – Weekly Update

K. Adjournment: